

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 861 - SB 1537

March 23, 2009

SUMMARY OF BILL: Increases the penalty for mailbox tampering from a Class B misdemeanor to a Class E felony and deletes the current community service requirement.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$391,000/Incarceration*

Decrease Local Revenue – Not Significant

Decrease Local Expenditures – Not Significant

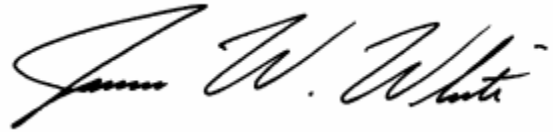
Assumptions:

- According to the Administrative Office of the Courts, there has been one state court conviction for Class B misdemeanors for mailbox tampering in each of the past five years. State court convictions are 10 percent of the total convictions. Total convictions, including general sessions courts, are estimated to be an average of 10 per year.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in one additional offender. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on
- According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80. According to DOC, the average post-conviction time served for a Class E felony is 1.63 years. The cost per offender at 1.63 years is \$35,548.11 (\$59.80 x 594.45 days). The total additional operating cost for 11 offenders is \$391,029.21 (\$35,548.11 x 11).
- Any impact on caseloads of state trial courts can be accommodated within existing judicial resources.
- The increase in classification for some offenses from a Class B misdemeanor to a Class E felony would result in a slight decrease in the number of prosecutions in general sessions courts. The decrease in revenue and expenditures to local government will not be significant.

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CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc